

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TY LEE TREDDENBARGER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C20-1755-JCC

ORDER

This matter comes before the Court on Petitioner Ty Lee Treddenbarger's motion to vacate, set aside, or correct his sentence, under 28 U.S.C. § 2255 (Dkt. No. 1). Having reviewed Petitioner's motion, the Court hereby ORDERS service and an answer by the Government.

Petitioner pled guilty to production of child pornography in violation of 18 U.S.C. § 2251(a) and (e), and possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2). *See United States of America v. Ty Lee Treddenbarger*, Case No. CR18-0238-JCC, Dkt. Nos. 19, 23 (W.D. Wash 2018). On June 11, 2019, Petitioner was sentenced to 300 months of imprisonment, followed by a lifetime of supervised release. *Id.* at Dkt. No. 50. Petitioner filed this § 2255 habeas petition on November 27, 2020. (Dkt. No. 1.)

Before directing service and an answer to a habeas corpus petition, the Court must determine whether the motion, the files, and the records of the case "conclusively show that the prisoner is entitled to no relief." 28 U.S.C. § 2255(b). Petitioner seeks resentencing based on

1 alleged ineffective assistance of his sentencing counsel. (*See* Dkt. No. 1 at 4–16.) The Court has
2 reviewed the record, and the record does not conclusively show that Petitioner is entitled to no
3 relief. Accordingly, the Court ORDERS as follows:

- 4 1. The Clerk is DIRECTED to send a copy of this order to Petitioner.
- 5 2. If not previously accomplished, electronic posting of this order and petition shall
6 effect service upon the United States Attorney of copies of the § 2255 motion and of
7 all documents in support thereof.
- 8 3. Within 45 days after the date of this order, the United States shall file and serve an
9 answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in
10 United States District Courts. As part of such answer, the United States should state
11 its position as to whether an evidentiary hearing is necessary, whether there is any
12 issue as to abuse or delay under Rule 9, and whether Petitioner's motion is barred by
13 the statute of limitations.
- 14 4. On the face of the answer, the United States shall note the answer for consideration
15 by the Court on the fourth Friday after it is filed, and the Clerk shall note the answer
16 accordingly. Petitioner may file and serve a reply to the answer no later than that
17 noting date.

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19 DATED this 5th day of January 2021.

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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